

To: Patterson, Leslie[patterson.leslie@epa.gov]
From: Smith, Madelyn
Sent: Thur 12/5/2013 7:26:52 PM
Subject: RE: SDDL draft environmental covenant

Leslie,

The attorney assigned to this for OEPA was out until just yesterday. He had sent me some comments but had only highlighted areas and wrote “discuss”. I haven’t had a chance to talk with him on this – I don’t know if he talked with Tom either. I will try to get ahold of him tomorrow (I’m sure I won’t be able to reach him today since he’s been out for over a week).

Maddie

From: Patterson, Leslie [mailto:patterson.leslie@epa.gov]
Sent: Wednesday, December 04, 2013 6:40 PM
To: Nash, Thomas
Cc: Smith, Madelyn
Subject: SDDL draft environmental covenant

Tom,

Here are my comments on the draft ERC for South Dayton. Overall it looks pretty good, and has a lot of the same language as was in the Valley Crest ERC.

- Please provide further clarification to the following “Whereas, approximately 40 acres of the former landfill at the Site have been built over and/or are being used for other commercial and/or industrial purposes” It is not clear in this document if that was the entire landfill and what it the use of the 40 acres.
- Include a map.
- Clarify that the landfill will require on-going maintenance and who is responsible for that.

- The use of the words “Site” and “Property” appear to be used interchangeably and might be confusing. Please clarify.

- Is the ERC intended only for those parcels owned by Grillot/Boesch? There needs to be a separate EC for each property owner, and it is unclear whether this is a generic EC that is planned to be used for multiple property owners.

- The blanks will need to be filled in. A title search should be run if it hasn't already.

Leslie Patterson

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